

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RESCUECOM CORPORATION,

Civil Action No. 5:09-cv-1149 (FJS/DEP)

Plaintiff,

vs.

BBY SOLUTIONS, INC. d/b/a BEST BUY,

Defendant,

and

BBY SOLUTIONS, INC.,

and

Counterclaimant,

BEST BUY STORES, LP,

Additional Counterclaimant,

vs.

RESCUECOM CORPORATION,

Counterclaim Defendant,

and

DAVID MILMAN,

Additional Counterclaim Defendant.

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee, and no person not a party

has an interest in the subject matter of the action, by reason of a Settlement Agreement entered into by the parties to this action, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, the above-entitled action be and the same hereby is dismissed, with prejudice, as to all claims and counterclaims asserted by the parties, without costs to any party as against the other. This Stipulation may be filed without further notice with the Clerk of the Court.

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SO ORDERED

FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

1/3/11